

Article - State Government

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§18–222.

(a) (1) The Secretary of State may adopt regulations to implement this subtitle.

(2) Regulations adopted under paragraph (1) of this subsection regarding the performance of notarial acts with respect to electronic records may not require or accord greater legal status or effect to the implementation or application of a specific technology or technical specification.

(3) Regulations adopted under paragraph (1) of this subsection regarding performance of a notarial act may:

(i) prescribe the means of performing a notarial act involving a remotely located individual using communication technology;

(ii) establish standards for communication technology, credential analysis, and identity proofing;

(iii) establish requirements or procedures to approve providers of communication technology and the processes of credential analysis and identity proofing; and

(iv) establish standards and a period of retention of an audio–visual recording created under § 18–214(a)(3) of this subtitle.

(4) Regulations adopted under paragraph (1) of this subsection may:

(i) prescribe the manner of performing notarial acts regarding tangible and electronic records;

(ii) include provisions to ensure that any change to or tampering with a record bearing a certificate of a notarial act is self–evident;

(iii) include provisions to ensure integrity in the creation, transmittal, storage, or authentication of electronic records or signatures;

(iv) if the Governor has delegated authority under § 18–104(b) of this title, prescribe the process of granting, renewing, conditioning, denying,

suspending, or revoking a notary public commission and assuring the trustworthiness of an individual holding a commission as a notary public; and

(v) include provisions to prevent fraud or mistake in the performance of notarial acts.

(b) In adopting regulations under subsection (a) of this section regarding notarial acts performed with respect to electronic records or for a remotely located individual, the Secretary of State shall consider, so far as is consistent with this subtitle:

(1) the most recent standards regarding electronic records promulgated by national bodies, such as the National Association of Secretaries of State;

(2) standards, practices, and customs of other jurisdictions that substantially enact this subtitle; and

(3) the views of government officials and entities and other interested persons.

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